

House Study Bill 226

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON SMITH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to financial liability for the costs of services
2 paid by a county for a person with mental illness.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2522HC 83
5 jp/rj/24

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1 1 Section 1. Section 230.15, Code 2009, is amended to read
1 2 as follows:
1 3 230.15 PERSONAL LIABILITY.
1 4 1. A person with mental illness and a person legally
1 5 liable for the person's support remain liable for the ~~support~~
~~1 6 of total amount of the cost of providing care, maintenance,~~
~~1 7 and treatment for the person with mental illness as provided~~
~~1 8 in this section while a voluntary or committed patient.~~
1 9 Persons legally liable for the support of a person with mental
1 10 illness include the spouse of the person, any person bound by
1 11 contract for support of the person, and, with respect to
1 12 persons with mental illness under eighteen years of age only,
1 13 the father and mother of the person. ~~The county auditor,~~
~~1 14 subject to the direction of the board of supervisors, shall~~
~~1 15 enforce the obligation created in this section as to all sums~~
~~1 16 advanced by the county. The liability to the county incurred~~
~~1 17 by a person with mental illness or a person legally liable for~~
~~1 18 the person's support under this section is limited to an~~
~~1 19 amount equal to one hundred percent of the cost of care and~~
~~1 20 treatment of the person with mental illness at a state mental~~
~~1 21 health institute for one hundred twenty days of~~
~~1 22 hospitalization. This limit of liability may be reached by~~
~~1 23 payment of the cost of care and treatment of the person with~~
~~1 24 mental illness subsequent to a single admission or multiple~~
~~1 25 admissions to a state mental health institute or, if the~~
~~1 26 person is not discharged as cured, subsequent to a single~~
~~1 27 transfer or multiple transfers to a county care facility~~
~~1 28 pursuant to section 227.11. After reaching this limit of~~
~~1 29 liability, a person with mental illness or a person legally~~
~~1 30 liable for the person's support is liable to the county for~~
~~1 31 the care and treatment of the person with mental illness at a~~
~~1 32 state mental health institute or, if transferred but not~~
~~1 33 discharged as cured, at a county care facility in an amount~~
~~1 34 not in excess of the average minimum cost of the maintenance~~
~~1 35 of an individual who is physically and mentally healthy~~
2 1 residing in the individual's own home, which standard shall be
2 2 established and may from time to time be revised by the
2 3 department of human services. A lien imposed by section
2 4 230.25 shall not exceed the amount of the liability which may
2 5 be incurred under this section on account of a person with
2 6 mental illness.
2 7 2. A substance abuser or chronic substance abuser is
2 8 legally liable for the total amount of the cost of providing
2 9 care, maintenance, and treatment for the substance abuser or
2 10 chronic substance abuser while a voluntary or committed
2 11 patient.
2 12 3. When a portion of the cost of providing care,
2 13 maintenance, and treatment is paid by a county, the person
2 14 with mental illness and a person legally liable for the
2 15 person's support or the substance abuser or chronic substance
2 16 abuser is legally liable to the county for the amount paid.
2 17 ~~The~~ Such a person or substance abuser or chronic substance
2 18 abuser shall assign to the state any claim for reimbursement

2 19 under any contract of indemnity, by insurance or otherwise,
2 20 providing for the ~~abuser's~~ care, maintenance, and treatment of
2 21 the person with mental illness, the substance abuser, or the
2 22 chronic substance abuser in a state hospital to the state.
2 23 Any payments received by the state from or on behalf of a
2 24 person with mental illness or a substance abuser or chronic
2 25 substance abuser shall be in part credited to the county in
2 26 proportion to the share of the costs paid by the county.
2 27 4. Nothing in this section shall be construed to prevent a
2 28 relative or other person from voluntarily paying the full
2 29 actual cost or any portion of the care and treatment of any
2 30 person with mental illness, substance abuser, or chronic
2 31 substance abuser as established by the department of human
2 32 services.

2 33 EXPLANATION

2 34 This bill relates to financial liability for the costs of
2 35 services paid by a county for a person with mental illness.
3 1 Under current law in Code section 230.15, the financial
3 2 liability is limited to an amount equal to 100 percent of the
3 3 cost of care and treatment of the person with mental illness
3 4 at a state mental health institute for 120 days of
3 5 hospitalization. After the limit of liability is reached,
3 6 further liability is limited to the average minimum cost of
3 7 the maintenance of an individual who is physically and
3 8 mentally healthy residing in the individual's own home. The
3 9 average minimum cost is established in 441 IAC 29.3 by the
3 10 department of human services to be based on the family
3 11 investment program standards.
3 12 The bill eliminates the liability limitations so that the
3 13 financial liability of a person with mental illness or the
3 14 person legally responsible for the person's support is for the
3 15 total amount paid by the county, which is consistent with that
3 16 of a substance abuser or chronic substance abuser under Code
3 17 section 230.15.
3 18 LSB 2522HC 83
3 19 jp/rj/24